

AUG 17 2007

Procaps, L.P. (f/k/a Paintball L.P.),

Petitioner,

v.

PBS Holding Group, Inc. (f/k/a National  
Paintball Supply, Inc),

Respondent.

FILED COURT  
U.S. DISTRICT COURT  
2008 AUG 17 PM 4:24  
08 (L)  
S.D. of N.Y.

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York , I, Benjamin P. Deutsch a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of :

David Smith  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103-7286  
Telephone: 215-751-2000  
Facsimile: 215-751-2205

David Smith is a member in good standing of the Bar of the State of Pennsylvania. There are no pending disciplinary proceedings against Davis Smith in any State or Federal Court.

Dated: New York, New York  
August 17, 2007

SCHNADER HARRISON SEGAL &  
LEWIS LLP

By: 

Benjamin P. Deutsch (BD 5435)  
140 Broadway, Suite 3100  
New York, New York 10005  
(212) 973-8000  
(212) 972-8798 (fax)  
*Attorneys for Petitioner*  
*Procaps, L.P. (f/k/a Paintball L.P.)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Procaps, L.P. (f/k/a Paintball L.P.),

Petitioner,

v.

PBS Holding Group, Inc. (f/k/a National  
Paintball Supply, Inc),

Respondent.  
-----X

Civil Action No.: 07-CV-6208 (LAP)

**DECLARATION OF BENJAMIN P. DEUTSCH IN SUPPORT  
OF APPLICATION FOR ADMISSION *PRO HAC VICE*  
OF DAVID SMITH**

Benjamin P. Deutsch, an attorney admitted to practice before this Court, declares the following:

1. I am a partner at SCHNADER HARRISON SEGAL & LEWIS LLP, counsel for Petitioner, Procaps, L.P.
2. I submit this Declaration in support of the application for admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York of David Smith. If admitted, Mr. Smith will serve as co-counsel for Defendant.
3. Mr. Smith is a partner at SCHNADER HARRISON SEGAL & LEWIS LLP. Mr. Smith maintains an office at 1600 Market Street, Suite 3600, Philadelphia, Pennsylvania 19103-7286.
4. Mr. Smith was admitted to practice before the courts in the following jurisdictions on the dates set forth below:

Supreme Court of Pennsylvania. October 1975

United States District Court, Eastern District of Pennsylvania. October 1975

United States Court of Appeals, Third Circuit. December 1980

United States Court of Appeals, Fifth Circuit. November 2002

United States Court of Appeals, Fourth Circuit. June 2004

5. I have found Mr. Smith to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move for the admission of David Smith, *pro hac vice*.

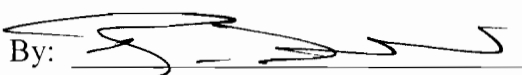
7. I respectfully submit a proposed order granting the admission of David Smith, *pro hac vice*, which is attached hereto as Exhibit A.

8. This Motion is unopposed.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: New York, New York  
August 7, 2007

SCHNADER HARRISON SEGAL &  
LEWIS LLP

By:   
Benjamin P. Deutsch (BD 5435)  
140 Broadway, Suite 3100  
New York, New York 10005  
(212) 973-8000  
(212) 972-8798 (fax)  
*Attorneys for Petitioner*  
*Procaps, L.P. (f/k/a Paintball L.P.)*



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***David Smith, Esq.***

**DATE OF ADMISSION**

***October 10, 1975***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: August 1, 2007**

  
Patricia A. Johnson  
Chief Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Procaps, L.P. (f/k/a Paintball L.P.),

Petitioner,

v.

PBS Holding Group, Inc. (f/k/a National  
Paintball Supply, Inc),

Respondent.  
-----X

Civil Action No.: 07-CV-6208 (LAP)

**ORDER FOR ADMISSION  
PRO HAC VICE  
ON WRITTEN MOTION**

Upon the motion of Benjamin P. Deutsch, counsel for Petitioner, Procaps, L.P. (f/k/a Paintball L.P.) and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED that

David Smith  
Schnader Harrison Segal & Lewis LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103-7286  
Telephone: 215-751-2000  
Facsimile: 215-751-2205  
[dsmith@schnader.com](mailto:dsmith@schnader.com)

is admitted to practice *pro hac vice* as counsel for Petitioner, Procaps, L.P. (f/k/a Paintball L.P.) in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: New York, New York  
August \_\_, 2007

\_\_\_\_\_  
United States District Judge

**AFFIDAVIT OF SERVICE**

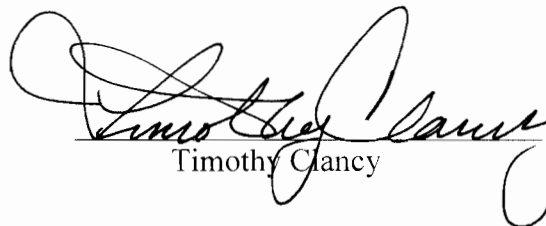
STATE OF NEW YORK       )  
  ) ss.:  
COUNTY OF NEW YORK    )

Timothy Clancy, being duly sworn, deposes and says, deponent is not a party to this action, is over eighteen (18) years of age and resides in Monmouth County, New Jersey.

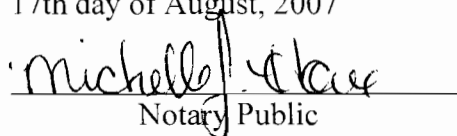
On August 17, 2007, I served a true copy of the attached MOTION TO ADMIT COUNSEL PRO HAC VICE, with accompanying documents, upon:

J. Michael Lewis, Esquire  
DUANE MORRIS LLP  
1540 Broadway  
New York, New York 10036-4086

by First Class Mail.

  
Timothy Clancy

Sworn to before me this  
17th day of August, 2007

  
Notary Public

**MICHELLE J. HOVE**  
**Notary Public, State of New York**  
**No. 01HO6125278**  
**Qualified in Nassau County**  
**Commission Expires April 11, 2009** 